

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

4. DCF reviewed the petitioner's income situation last Fall. On October 1, 2004, the petitioner was sent a notice saying that his Medicare premium would not be paid beginning November 1, 2004 due to excess income.

5. The petitioner appealed that decision and has continued to receive benefits. He has received a number of confusing bills from the Social Security Administration, one showing that he is six months in arrears on his Part B payments.

ORDER

The decision of DCF terminating the petitioner's benefits as of October 31, 2004 is affirmed. DCF is ordered to investigate and correct any claims by Social Security that DCF has not paid the premiums during periods in which the petitioner was eligible for benefits.

REASONS

DCF has regulations allowing it to share the costs of premiums for certain persons who receive SSI-related (disability) Medicare. M200.4. The regulation which pertains to the petitioner provides as follows:

Specified Low-Income Medicare Beneficiaries (SLMB)

Individuals are eligible for Medicaid payment of their Medicare Part B premiums if:

- They receive Medicare Part A
- Their Medicaid group has countable income greater than 100 percent but no greater than 120 percent of the federal poverty level; and

- They are members of a Medicaid group with resources at or below twice the SSI-related Medicaid limit applicable to the group's size.

Benefits under this provision become effective on either the date of application or the date on which all eligibility criteria are met, whichever is later. The department may grant benefits for a retroactive period of up to three months prior to that effective date, provided that the individual meets all eligibility criteria.

M200.43.

DCF decided that the petitioner no longer meets the second of these provisions regarding countable income. Currently income between 100 percent and 120 percent of the federal poverty level is \$749 - \$898 for a household of one. P-2420B(2). As the petitioner's income is considerably above this level (\$2,600), DCF's decision is correct under its regulation. The petitioner's income is so high that he does not appear to be eligible for any of the other cost-sharing programs including that for disabled and working individuals (QDWI) which has a limit of 200 percent of the federal poverty level or \$1,497 per month for the petitioner's household size. P-2420B(2). The Board is thus bound to affirm the decision of DCF in this matter. 3 V.S.A. § 3091(d), Fair Hearing Rule 17. DCF should be ordered, however, to investigate whether the petitioner's premium has

been paid and properly credited to him during times at which he was eligible for the benefit and to make corrections as necessary.

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